IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 19941 of 1993

Between:

1 K.Santareddy S/o Obi Reddy,
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
2 M.Narsi Reddy S/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur Dist.
3 M.Thnsupal Reddy S/o Narsa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
4 M.Suryanarayana Reddy S/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur Dist.
5 Ch. Kullayappa S/o Narsimhulu
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
6 M.Sankara Reddy s/o Krishna Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
7 N.Rajgopal S/o Peddanna,
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
8 Munnendra S/o Obuleshu
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur Dist.
9 P.Ramappa S/o Munneppa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
10 M.Adenna s/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
11 Sake Pedda Pedanna S/o Musalappa
R/o Siddaracherla Village, Narpala Mandal ,

Anantapur District.

12 G.Peddanna S/o Munneppa,
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
13 B.Munnaiah S/o Krishnappa,
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
14 G.Pedanna s/o Munneppa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
15 M.Pedda Obulesu S/o Kullayappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur Dist.
16 S.Obulapathi s/o obileshu
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
17 K.Obi Reddy s/o Santi reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
18 M.Lokanatha Reddy S/o Krishna Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
19 M.Chinna Obanna S/o Kullayappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
20 M.China Obulappa S/o Nallappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
21 M.Sesha Reddy S/o Krishna Murthy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
22 S.Kullayappa S/o Obileshu,
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
23 M.Nadipi Oulappa S/o Kullayappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
24 Ch. Venkata Ramudu S/o Pakeerappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
25 G.Adenna S/o Papanna
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.
26 M.Gopala Reddy S/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

27 S.Kullayappa S/oNarsimhappa

R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

28 H.Narayana S/o Narsimhulu
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

29 M.Pratap Reddy S/o Krishna Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

30 M.Ramachandra Reddy S/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

31 Venkatesu S/o Pakeerappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

32 K.Mallapa Reddy S/o Obi Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

33 M.Adi Reddy S/o Narapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

34 K.Prabhakar Reddy S/o Nallappa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

35 Ch. Narayana Swamy S/o Pakeerappa
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

36 K.Chandrasekhar Reddy s/o Nallapa Reddy
R/o Siddaracherla Village, Narpala Mandal ,
Anantapur District.

.....PETITIONERS

AND

1 The Asst. Commissioner of Endowments Anantapur.

2 Board of Trustees of Sri Anjanayya Swamy Temple rep by Chairman of the Trust Board, Siddaracherla Village , Narpala Mandal, Anantapur

3 The Commissioner of Endowments Govt. of A.P
Tilak Road , hyderabad.

4 Govt of A.P rep by Principal Secretary , Revenue (Endowments) Secretariat , Hyderabad.

5 G.Pulla Reddy S/o Nagi Reddy
Siddaracherla Village, Narpala Mandal ,
Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be

pleased to issue an appropriate writ, order or direction mostly one which is in the nature of a writ of certiorari to call for the records in and relating to the Memo No.25818Endts.II(1)/88-26 dated 28-1-93 of the 4th respondents and the consequential proceedings D.Dis No.M3/6866/93 dated 18-5-93 of the 3rd respondent and the document No.525/93 dated 2-8-93 entered in Book. No.I Volume No.114 at pages 373 to 375 of the office of the Sub-Registrar , Singanamala, Anantapur District and Set aside the same holding that they are illegal , and unsustainable.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondent Nos.1,3 and 4: G.P.FOR ENDOWMENTS

Counsel for the Respondent NO.5: MR.A.KRISHNA MURTHY

Counsel for the Respondent No.2: MR.V.VENUGOPALA RAO

The Court made the following:

ORDER:

The petitioners, filed this writ petition, who claim to be the resident of

Siddarcherla Village, challenging the Memo No. 25818/Endts.II(1) 88-26, dated 28.01.1993 of the 4th respondent and the consequential proceedings D.Dis.No.M3/6866/1993, dated 18.05.1993 of the 3rd respondent and the entry document No.525/1993, dated 02.08.1993 entered in Book No. I Volume No.114, at pages 373 to 375 of the office of the Sub-Registrar, Singanamala, Anantapur District.

The petitioners herein state that they belong to Siddaracherla village and devotees of Anjaneyaswamy temple. It is stated that the 2nd respondent who is vested with the management of the respondent-temple as a hereditary trustee have totally neglected the temple, due to which the temple stands as if it is abandoned. It is submitted that the 1st respondent through proceedings dated 03.04.1982 constituted a trust board, among them the 5th respondent herein was elected as Chairman, for a period of three years from that date. Subsequently, no trust board has been appointed after expiry of term.

It is the grievance of the petitioners that with a view to knock away the temple lands, the 5th respondent influenced the 1st respondent to submit a report to the 3rd respondent herein to permit him to sell the above lands, on the basis of which 3rd respondent through proceedings dated 07.01.1983 accorded permission to the 2nd respondent to sell the lands in public auction as per rules. Thereafter though initially the auction was proposed to be conducted on 12.03.1983, it was postponed to 18.03.1983, without any intimation, and a public auction was said to be conducted and 5th respondent was declared as highest bidder in the public auction. Subsequently, though the 1st respondent forwarded the proposals for confirmation of sale, the 3rd respondent held that it is not in the interest of temple to dispose of the properties and refused to confirm the auction.

It is further stated that after a lapse of five years period the 5th respondent seems to have preferred an appeal petition against the order of the 1st respondent dated 06.09.1983 in Rc.No.A/153/82 through the appeal petition dated 08.03.1988. It is pertinent to mention here that there is no appeal provided against the orders passed by the Commissioner of Endowments

exercising the powers vested in him under Section 74 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1966. The only remedy otherwise available for the 5th respondent was only to file an application under Section 83 of the said Act seeking the Government to exercise the powers vested in it to call for and examine the records of the Commissioner to satisfy itself as to the correctness, legality or propriety of such decision. However, this remedy is also restricted, as any such application has to be filed within 19 days from the date of which the said order is passed. In the instant case, the 5th respondent did not prefer any such application to the government within the time prescribed. The appeal petition was filed with a delay of more than five years on 08.03.1988 and without enclosing the condone delay petition. Even the said appeal is not at all maintainable in law and as per the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1966. Quite surprisingly the 4th respondent entertained the said appeal. Further, it is submitted that the order i.e., already passed by the 3rd respondent exercising the powers vested in him under the old Act cannot be reopened by the Government exercising its powers under the new Act. Therefore, the 4th respondent ought to have rejected the appeal petition at the threshold itself by holding that it is not maintainable.

It is further stated that the revision filed before the Government against the order dated 06.09.1983 was allowed directing the 3rd respondent-Commissioner of Endowments to issue orders confirming the sale held in public auction in favour of the 5th respondent herein.

In the Counter-affidavit filed on behalf of the 2nd respondent, it is stated that the writ petition is not maintainable on the ground that the petitioners have no locus standi to assail the confirmation of the sale particularly when they did not raise any objections, when the publication was made including the publication in A.P. Gazette on 03.11.1982 appointed one Sri P.Narayana Reddy, S/o Nagi Reddy as Chairman of Trust Board and though his period of Chairmanship expired by 02.04.1985, as no new Trust Board was appointed. The said Sri P. Narayana Reddy was allowed to continue as defacto-Chairman of the Trust Board. It is also stated that the 3rd respondent-Commissioner of Endowments when

refused to confirm the sale in favour of the highest bidder, the highest bidder filed writ petition No.7849 of 1984 on the file of this Court seeking a direction to the Commissioner of Endowments, Hyderabad to confirm the sale in his favour. It is also stated that finally the said writ petition was dismissed by order dated 10.02.1988 leaving open to the 3rd respondent-Commissioner of Endowments to pass appropriate orders and pursuant to the directions of this Court, the Commissioner directed the 1st respondent vide proceedings dated 07.03.1988 to take possession of the lands in question and put the same in public auction for lease. It is also stated that the Trust Board in its resolution dated 05.01.1982 have resolved to sell away the lands of the temple. Having reached a conclusion that there is very less income if the lands where given on lese and accordingly the Chairman vide letter dated 06.01.1982 has submitted the proposals to the 1st respondent-Assistant Commissioner of Endowments, Anantapur, who in turn submitted the proposal to the 3rd respondent-Commissioner of Endowments Department, Hyderabad to permit the 2nd respondent to put the lands in question for sale in public auction and accordingly the 3rd respondent-Commissioner accorded permission vide proceedings dated 07.01.1983 to the 2nd respondent-Chairman of Trust Board to sell the lands in public auction. It is also stated that before putting the lands for public auction, a notification in notice Rc.No.M3/6116/82, dated 11.02.1982 was issued inviting objections and suggestions if any. When the notice was also published in A.P. Gazette, dated 03.11.1982, no objections were received either from the public or from the petitioners. It is also stated that initially the sale of lands by public auction was scheduled on 12.03.1983. But it was postponed to 18.03.1983 on the report of the Inspector, Endowments Department, Anantapur who stated to have reported that proper publication was not made in Siddacherla village and in its surrounding villages as to the sale of the lands by public auction. It is also stated the postponement of auction to 18.03.1983 was also published by beat of Tom Tom in the village on 14.03.1983, 16.03.1983 and 18.03.1983 and in all fifteen persons have appended their signatures in the auction list on 18.03.1983 agreeing for the conditions imposed by the department. Out of them six persons have paid initial deposit and participated in the auction and in the said auction one Sri P. Pulla Reddy-5th respondent herein has became the highest bidder. It is also stated

that in the background of these facts and circumstances of the case, the 4th respondent vide proceedings dated 28.12.1993 after careful examination of the records furnished by the concerned officials allowed the revision petition filed by the 5th respondent, who was the highest bidder in the public auction held on 18.03.1983 and accordingly directed the Commissioner-3rd respondent to confirm the sale held in public auction in favour of the 5th respondent, who was the highest bidder and in response to the Government orders, the 3rd respondent vide proceedings dated 18.05.1993 confirm the sale of lands in public auction held on 18.03.1993 in favour of P.Pullareddy-5th respondent herein and accordingly the 2nd respondent was instructed to register the said lands in favour of the 5th respondent and accordingly the 2nd respondent-Chairman, Board of Trustees has executed the sale deed in favour of the 5th respondent on 02.08.1993 after collecting the entire sale consideration.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Endowments.

Admittedly, the subject lands belonging to Sri Anjaneyaswamy Temple was put to public auction and the 5th respondent was declared as the highest bidder, the sale in his favour was also confirmed by the 3rd respondent-Endowments Commissioner, pursuant to which the 2nd respondent executed the registered sale deed in his favour. The Tahasildar, Singanamala, Anantapur District certified that the market value of the land at Rs.700/- per acre based on the sale deeds of the adjacent lands. The 5th respondent purchased the lands at Rs.805/- and Rs.810/- per acre respectively. This being the position, the contention of the petitioners that the valuable temple lands were knocked away by the 5th respondent cannot be countenanced in a summary proceeding under Article 226 of the Constitution of India. Inasmuch as the sale of lands by public auction was conducted by the authorities as per the provisions of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987 and after ascertaining the market value of the land, I am not inclined to exercise the writ jurisdiction under Article 226 of the Constitution of India, giving the liberty to the petitioner to raise their objections in appropriate forum, if any, as per law.

For the foregoing reasons, the writ petition is liable to be dismissed and it is accordingly dismissed. No costs.

02.12.2004.

MRKR/KK

To

1. The Asst. Commissioner of Endowments, Anantapur.

2 The Chairman of Trust Board,Board of Trustees of Sri Anjaneya Swamy Temple, Siddaracherla Village , Narpala Mandal, Anantapur.

3 The Commissioner of Endowments Govt. of A.P
Tilak Road , Hyderabad.

4 The Principal Secretary, Govt of A.P., Revenue (Endowments) Secretariat , Hyderabad.

5. Two C.Cs to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

6. Two C.D.copies.